

MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

Barry K. Myrvold
Special Federal Litigation
(212) 788-9391
(212) 788-9776 (fax)
bmyrvold@law.nyc.gov

2007

October 15, 2007

By U.S. Mail

Honorable Alvin K. Hellerstein
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 1050
New York, New York 10007

*So ordered. No further proceedings.
10-17-07
[Signature]*

Re: Michelle Fracasso and Jonathon Spitzer v. The City of New York, et al.,
07 CV 4649 (AKH)

Your Honor:

I am an attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for the defendant City of New York in this action. I have learned that the individually-named defendant, Police Officer Matthew Edelman (who has resigned from the police force), was recently served. Without appearing on Mr. Edelman's behalf, it is respectfully requested that he be granted a thirty-day extension of time to November 15, 2007, to respond to the complaint so as not to jeopardize his defenses while representation issues are being decided. Counsel for the plaintiffs, Craig Lanza, Esq., consents to this application for an extension.

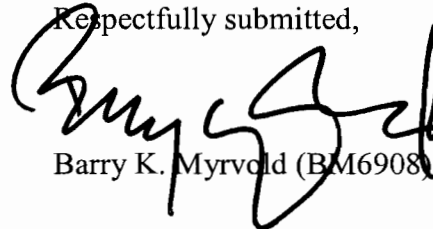
The complaint alleges that on March 4, 2006, plaintiffs were falsely arrested, and that plaintiff Fracasso was also maliciously prosecuted and subjected to excessive force by the individually-named defendant. The charges against plaintiff Fracasso were allegedly dismissed. Thus, before this office can resolve representation issues, we will need time to investigate the allegations in the complaint as they relate to Police Officer Edelman.

Accordingly, we respectfully request that Mr. Edelman's time to respond to the complaint be extended until November 15, 2007. We previously requested an extension of time to answer the complaint on behalf of the City from July 16, 2007 to September 14, 2007. Police Officer Edelman had not been served at that time.

Honorable Judge Alvin K. Hellerstein
Michelle Fracasso and Jonathan Spitzer v. NYC, et al.
October 15, 2007
Page 2

I thank the Court for its time and consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Barry K. Myrvold', is written over the typed name.

Barry K. Myrvold (BM6908)

cc: Craig S. Lanza, Esq.
Balestriere, PLLC
Attorneys for Plaintiffs

By U.S. Mail